

REMARKS

Claims 1 and 5 are amended. Claims 1-20 and 40-61 are pending in the application.

Claims 1-20 and 40-61 stand rejected under 35 U.S.C. § 103(a) as being obvious over Srinivasan, U.S. Patent No. 5,731,235 in combination with Kobayashi, European Patent No. 886308. The Examiner is reminded by direction to MPEP § 2143 that a proper obviousness rejection has the following three requirements: 1) there must be some suggestion or motivation to modify or combine reference teachings; 2) there must be a reasonable expectation of success; and 3) the combined references must teach or suggest all of the claim limitations. Claims 1-20 and 40-61 are allowable over the combination of Srinivasan and Kobayashi for at least the reason that the references, individually or as combined, fail to disclose or suggest each and every limitation in any of those claims.

As indicated in applicant's previous response, Srinivasan and Kobayashi, individually or as combined, fail to disclose or suggest utilization of an oxidation step to form a silicon oxide comprising layer after forming a silicon nitride comprising layer. This combination of references additionally fails to provide a reasonable expectation that such oxidation could successfully achieve formation of the silicon oxide comprising layer and effective filling of pinholes in a silicon nitride layer. The Examiner indicates at page 4 of the present Action that the rejection is maintained because the limitation of oxidation which effectively fills pinholes within the silicon nitride

material "is nowhere in the claim language". Applicant notes that each of independent claims 8 and 15 clearly recite that the oxidation is effective to fill the pinholes in the silicon nitride layer with silicon oxide. Accordingly, claims 8 and 15 are allowable over the cited combination of Srinivasan and Kobayashi.

Dependent claims 9-14, 16-20 and 52-61 are allowable over Kobayashi and Srinivasan for at least the reason that they depend from corresponding allowable base claims 8 and 15.

With respect to independent claims 1 and 5, without admission as to the propriety of the Examiner's rejections, such claims are amended to incorporate the limitation of the oxidation being effective to fill pinholes present in the silicon nitride. The amendments to claims 1 and 5 are supported by the specification at for example, page 8, line 22 through page 9, line 15; and by the claims as originally filed. Accordingly, independent claims 1 and 5 are allowable over the cited combination of Srinivasan and Kobayashi.

Dependent claims 3-4, 6-7 and 40-51 are allowable for at least the reason that they depend from corresponding allowable base claims 1 and 5.

For the reasons discussed above, pending claims 1-20 and 40-61 are allowable. Accordingly, applicant respectfully requests formal allowance of such pending claims in the Examiner's next action.

Respectfully submitted,

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